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Tara D. Knapp Baker Botts LLP 2001 Ross Avenue, Suite 800 Dallas, TX 75201			MOORE, IAN N	
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			2661	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,205

Applicant(s)HOLUR ET AL. **Examiner**

Ian N Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Claim rejection under 35 USC § 112 second paragraph, on claims 9,19 and 29 are withdrawn since they are being amended accordingly.
2. Claims 1-55 are rejected by the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-3, 5, 6, 11-13, 15, 16, 21-23, 26, 31-33, 36, 39-43, 46-48 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinne (U.S. 6,711,141) in view of Mikkonen (U.S. 6,501,741).

Regarding Claim 31, Rinne discloses a mobile unit (see FIG. 1 and FIG. 2, a protocol architecture of a mobile unit) operable to provide label edge routing a wireless network (see FIG. 1, UMTS packet radio network; see col. 3, lines 35-42), comprising:

a service access manager (see FIG. 2, a combined system of QMOC, Quality Management & Optimization Control) operable to establish a new data session (see FIG. 2, a new data secession/flow for E-mail, WWW, Multimedia Conferencing, FTP, and/or WAP; and see FIG. 3, steps 30-31; see col. 5, lines 1-10; see col. 6, lines 15-

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25) between a mobile unit and a serving node (see FIG. 1, the combined system of RNC and SGSN; see col. 3, lines 51-60); also see FIG. 4, step 40,

a forwarding information base (see FIG. 2, Classifier PAC) included in the mobile unit that is populated with a label stack (see col. 6, lines 20-50; Flow label (i.e. Differential services, DSCP) and Table 1) associated with the data session (see col. 6, lines 25-32; 38-50; a flow label associated with a different data flow/session are stored/maintained in PAC),

correlating the label information (see col. 6, lines 24-27; flow label information) to the data session (see FIG. 3, steps 31-33; see col. 5, lines 4-16; flow information is correlated/defined per type of flows/session) wherein the mobile unit is further operable to:

allocate a session specific label (see FIG. 3, step 31; see col. 6, lines 31-39; a defined flow label is assigned/allocated in DSCP field of an IP header) in response to session activity (see FIG. 3, step 30; see col. 5, lines 1-2; when the QMOC application for establishing a connection) associated with an end user of the mobile unit (see FIG. 4, step 40; see col. 6, lines 53-56; see col. 4, lines 24-29; the user's session/flow');

communicate a new label stack (see FIG. 3, steps 32-33; see col. 6, lines 20-52; Flow label (i.e. Differential services, DSCP) and Table 1) to the serving node such that the serving node can perform routing (see FIG. 2, RLC, MAC and L1; see FIG. 1, the combined system of RNC and SGSN; see col. 5, lines 1-10, see col. 3, lines 51-60) and

Classify the data session (see FIG. 3, steps 31-32,36; and see FIG. 4, steps 41-44; col. 5, lines 3-14, col. 6, lines 45-51; defined and classify the session/flows).

Rinne does not explicitly disclose mobile unit receiving the label information, and routing at a layer two level. However, a mobile unit receiving label information and routing at layer two level at the serving node is well known in the art. In particular, Mikkonen'741 teaches a mobile unit (see FIG. 5, MT, wireless communication device) receiving an agent advertisement (see FIG. 6, step 603, QoS_FLOW_ACTIVATE message with a flow label; see col. 10, lines 60 to col. 2) with label information and correlating the label information to the data session (see col. 11, lines 1-6);

communicating a new label (see col. 11, lines 5-10; a new shorter label) to the serving node (see FIG. 6, AR/RP, access point node) such that the serving node can perform routing at a layer two level (see col. 11, lines 11-64; perform link/label switching (i.e. layer two switching)). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to receive the label information and provide a new label for label switching (i.e. layer 2 routing), as taught by Mikkonen'741 in the system of Rinne, so that it would reduce the delay in the transmission of priority packets by providing a flexible determination of the quality of service in wireless communication, and the quality of service is obtained in more reliable way, and the whole capacity of the wireless network can be utilized more efficiently; see Mikkonen col. 6, line 45 to col. 7, lines 46.

Regarding Claim 1, a method claim which that substantially all the limitations of the respective mobile unit claim 31. Therefore, they are subjected to the same rejections.

Regarding Claim 11, a method claim which that substantially all the limitations of the respective mobile unit claim 31. Therefore, they are subjected to the same rejections.

Regarding Claim 21, a system claim which that substantially all the limitations of the respective mobile unit claim 31. Therefore, they are subjected to the same rejections.

Regarding Claim 41, a method claim which that substantially all the limitations of the respective mobile unit claim 31. Therefore, they are subjected to the same rejections.

Regarding Claim 46, a system claim which that substantially all the limitations of the respective mobile unit claim 31. Therefore, they are subjected to the same rejections.

Regarding Claim 51, a system claim which that substantially all the limitations of the respective mobile unit claim 31. Therefore, they are subjected to the same rejections.

Regarding Claim 2, Rinne discloses communicating one or more traffic characteristics (see col. 5, lines 50 to col. 6, lines 15; traffic parameters/definitions) associated with the end user to the serving node along with the new label stack (see FIG. 2, IPe; FIG. 3, step 33 and see FIG. 4, step 42, see col. 6, lines 39-50; 61-67;

note that QMOC instructs IPe to add/form label/flow field in the an IP header stack in accordance with the end user's request characteristic/attribute/session of the traffic/flow). Mikkonen'741 also discloses one or more traffic characteristics associated with the end user to the serving node along with the new label stack (see col. 10, lines 27 to col. 11, lines 60).

Regarding Claim 3, Rinne discloses storing at the mobile unit, one or more flow labels for a plurality of applications of the mobile unit (see col. 6, lines 43-50; note that classifier PAC maintains/stores 16 different alternatives of QoS flow labels for QoS profiles of applications);

classifying one or more flow using one or more flow characteristics (col. 5, lines 3-14, see col. 5, lines 50 to col. 6, lines 15; col. 6, lines 45-51; note that QMOC determines/classifies the traffic characteristics/parameters/ definitions) and

provisioning one or more of the flow labels for one or more of the flows based on one or more of the flow characteristics (see FIG. 3, step 31; see col. 6, lines 31-39; a defined flow label is assigned/provisioned by filling/adding a flow label field to an IP header based on definition/parameters/characteristics of each flow).

Mikkonen'741 also discloses classifying one or more flow using one or more flow characteristics (see col. 6, lines 45 to col. 7, lines 10; see col. 11, line 1-12) and provisioning one or more of the flow labels for one or more of the flows based on one or more of the flow characteristics (see col. 11, lines 5-65; see col. 12, lines 49 to col. 13, lines 36).

Regarding Claim 5, Rinne discloses forwarding the plurality of inbound packets to an application included in the mobile unit (see FIG. 2; see col. 4, lines 4-65). Mikkonen discloses removing at the mobile unit, an inbound label stack from each of the plurality of inbound packets (see col. 10, lines 65 to col. 11, lines 10); and

forwarding the plurality of inbound packets to an application included in the mobile unit (see col. 11, lines 4-10; see col. 12, lines 49 to col. 13, lines 36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Rinne and Ton as taught by Mikkonen'741 for the same reason stated in Claims 1 and 31 above.

Regarding claim 6, Rinne discloses means for determining at the mobile unit flow characteristics (col. 5, lines 3-14, 50 to col. 6, lines 15, 45-51; note that QMOC determines/classifies the QoS characteristics/parameter of the different data flow) and a flow label for the flow (see col. 6, lines 40-42, 49-51; 60-67; note that a flow code/label is determined/classified based upon the desired QoS), the flow label comprising one of the labels (see col. 6, lines 43-50; note that a flow label/code must comprise one of sixteen DSCP codes/labels); and storing at the mobile unit the flow characteristics and the flow label for the flow (see col. 6, lines 43-50; note that classifier PAC maintains/stores 16 different QoS characteristics/parameters of the flows and flow labels for various QoS profiles of applications).

Mikkonen'741 discloses means for generating a label request (see col. 10, lines 40-55; a message to receive a flow label), at the mobile unit, for the application (see col. 12, lines 49-57; mobile application);

means for receiving, at the mobile unit, a label response based on the label request, the label response comprising at least one label (see FIG. 6, step 603; see col. 10, lines 51-67; a response includes a flow label);

means for determining, at the mobile unit, the flow characteristics and a flow label for the flow (see col. 11, lines 1-11; a shorter flow label for a specific flow).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Rinne, as taught by Mikkonen'741 for the same reason stated in Claims 1 and 31 above.

Regarding Claim 12, the claim, which has substantially disclosed all the limitations of the respective claim 2. Therefore, it is subjected to the same rejection.

Regarding Claim 13, the claim, which has substantially disclosed all the limitations of the respective claim 3. Therefore, it is subjected to the same rejection.

Regarding Claim 15, the claim, which has substantially disclosed all the limitations of the respective claim 5. Therefore, it is subjected to the same rejection.

Regarding Claim 16, the claim, which has substantially disclosed all the limitations of the respective claim 6. Therefore, it is subjected to the same rejection.

Regarding Claim 22, the claim, which has substantially disclosed all the limitations of the respective claim 2. Therefore, it is subjected to the same rejection.

Regarding Claim 23, the claim, which has substantially disclosed all the limitations of the respective claim 3. Therefore, it is subjected to the same rejection.

Regarding Claim 26, the claim, which has substantially disclosed all the limitations of the respective claim 6. Therefore, it is subjected to the same rejection.

Regarding Claim 32, the claim, which has substantially disclosed all the limitations of the respective claim 2. Therefore, it is subjected to the same rejection.

Regarding Claim 33, the claim, which has substantially disclosed all the limitations of the respective claim 3. Therefore, it is subjected to the same rejection.

Regarding Claim 36, the claim, which has substantially disclosed all the limitations of the respective claim 6. Therefore, it is subjected to the same rejection.

Regarding claim 39, Rinne disclose wherein the mobile unit includes a list of classes of service assigned to one or more end users associated with the mobile unit (see col. 5, lines 30 to col. 6, lines 15; 30-40).

Regarding claim 40, Rinne disclose traffic is received from one or more of the end users the mobile unit classifies the traffic with one or more labels included in its forwarding information base (see FIG. 3, steps 31-32,36; and see FIG. 4, steps 41-44; col. 5, lines 3-14, 30 to col. 6, lines 15, 45-51; defined and classify the session/flows).

Regarding Claim 42, the claim, which has substantially disclosed all the limitations of the respective claim 2. Therefore, it is subjected to the same rejection.

Regarding Claim 43, the claim, which has substantially disclosed all the limitations of the respective claim 3. Therefore, it is subjected to the same rejection.

Regarding Claim 47, the claim, which has substantially disclosed all the limitations of the respective claim 2. Therefore, it is subjected to the same rejection.

Regarding Claim 48, the claim, which has substantially disclosed all the limitations of the respective claim 3. Therefore, it is subjected to the same rejection.

Regarding Claim 52, the claim, which has substantially disclosed all the limitations of the respective claim 2. Therefore, it is subjected to the same rejection.

Regarding Claim 53, the claim, which has substantially disclosed all the limitations of the respective claim 3. Therefore, it is subjected to the same rejection.

5. Claims 4, 14, 24, 25, 34, 35, 44, 45, 49, 50, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinne in view of Mikkonen'741, as applied to claims 1, 11, 21, 31, 41, 46 and 51 above, and further in view of Mustajarvi (WO 98/44639).

Regarding Claim 4, the combined system of Rinne and Mikkonen'741 discloses all of the limitations as recited in claims 1, 11, 21, 31, 41, 46 and 51 above.

Mikkonen'741 further discloses populating available information as part of an agent solicitation message (see FIG. 6, step 605-606; R_FLOW_Activate message) that is sent to the servicing node (see FIG. 6, Access Router, AR/RP 4) by the mobile unit (see FIG. 6, Mobile terminal, MT); see col. 11, lines 15-41.

Neither Rinne nor Mikkonen explicitly discloses a vendor extension field. However, having a vendor extension field in the mobile communication is well known in the art. In particular, Mustajarvi discloses populating information (see col. 7, lines

1-20) in a vendor extension field (see FIG. 4, Extension field EF1 and EF2; see col. 7, lines 1-20; note that utilizing EF1 field is optional, however, the usage of optional field is suggested by the a specific vendor/manufacture, thus, it is vendor suggested extension field). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a vendor/manufacture suggested extension field, as taught by Mustajarvi, in the combined system of Rinne and Mikkonen'741, so that it would avoid additional load which reduces the capacity available to payload traffic by providing a mechanism of utilizing extension field in order to avoid collision in the transmissions; see Mustajarvi col. 5, line 15 to col. 6, lines 3.

Regarding Claim 14, the claim, which has substantially disclosed all the limitations of the respective claim 4. Therefore, it is subjected to the same rejection.

Regarding Claim 24, the claim, which has substantially disclosed all the limitations of the respective claim 4. Therefore, it is subjected to the same rejection.

Regarding Claim 25, Rinne discloses forwarding the plurality of inbound packets to an application included in the mobile unit (see FIG. 2; see col. 4, lines 4-65). Mikkonen discloses removing at the mobile unit, an inbound label stack from each of the plurality of inbound packets (see col. 10, lines 65 to col. 11, lines 10); and

forwarding the plurality of inbound packets to an application included in the mobile unit (see col. 11, lines 4-10; see col. 12, lines 49 to col. 13, lines 36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Rinne and Ton as taught by Mikkonen'741 for the same reason stated in Claim 31 above.

Regarding Claim 34, the claim, which has substantially disclosed all the limitations of the respective claim 4. Therefore, it is subjected to the same rejection.

Regarding Claim 35, the claim, which has substantially disclosed all the limitations of the respective claim 25. Therefore, it is subjected to the same rejection.

Regarding Claim 44, the claim, which has substantially disclosed all the limitations of the respective claim 4. Therefore, it is subjected to the same rejection.

Regarding Claim 45, the claim, which has substantially disclosed all the limitations of the respective claim 25. Therefore, it is subjected to the same rejection.

Regarding Claim 49, the claim, which has substantially disclosed all the limitations of the respective claim 4. Therefore, it is subjected to the same rejection.

Regarding Claim 50, the claim, which has substantially disclosed all the limitations of the respective claim 25. Therefore, it is subjected to the same rejection.

Regarding Claim 54, the claim, which has substantially disclosed all the limitations of the respective claim 4. Therefore, it is subjected to the same rejection.

Regarding Claim 55, the combined system of Rinne, Mikkonen, and Mustajarvi all claimed limitation as described above in claim 54. Rinne discloses update the forwarding information (see col. 7, lines 11-21; see col. 6, lines 45-50; label forwarding information are maintained/updated) with a selected one or more of an Internet protocol address associated with the data session (see col. 2, lines 20-

26; see col. 6, lines 40; IP address associated with source and destination of the user session), the session specific label (see col. 6, lines 25-35) and traffic characteristics associated with the data session (see col. 5, lines 45 to col. 6, lines 15; traffic parameters). Mikkonen'741 also discloses a selected one or more of an Internet protocol address associated with the data session (see col. 2, lines 55 to col. 3, lines 35; IP address), the session specific label (see col. 1, lines 1-11; Flow label) and traffic characteristics associated with the data session.

6. Claim 7, 17, 27, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinne in view of Mikkonen, as applied to claims 1, 11, 21, 31 above, and further in view of Gibson (U.S. 6,680,943).

Regarding claim 7, the combined system Rinne and Mikkonen'741 discloses label responses as discloses above in claims 6, 16, 26 and 36. Neither Rinne nor Mikkonen'741 discloses a label server. Gibson discloses the label response based on a label allocation performed at a label server (the combined system of admission manager (AM) 1204 (see FIG. 11) and Administration Server 35 (see FIG. 1)), the label server coupled to the network (see FIG. 1 and 11, the combined system is coupled to the MPLS network); see col. 6, lines 58-65, see col. 8, lines 42-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Rinne and Mikkonen as taught by Gibson, to provide a label server, so that it would provide advantage transmission of real time Internet messages over the MPLS network with guaranteed

QoS traffic, and it also allows traffic engineering method to be applied to the MPLS network such that specific paths can be established through a set of chosen nodes with a particular QoS; see Gibson col. 2, lines 29-40, col. 3, lines 27-34, col. 23, lines 17-22, col. 31, lines 25-30.

Regarding Claim 17, the claim, which has substantially disclosed all the limitations of the respective claim 7. Therefore, it is subjected to the same rejection.

Regarding Claim 27, the claim, which has substantially disclosed all the limitations of the respective claim 7. Therefore, it is subjected to the same rejection.

Regarding Claim 37, the claim, which has substantially disclosed all the limitations of the respective claim 7. Therefore, it is subjected to the same rejection.

7. Claims 8, 9, 18, 19, 28, 29 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinne in view of Mikkonen'741, as applied to claims 6,16,26, and 36 above, and further in view of Mustajarvi (WO 98/44639).

Regarding claim 8, the combined system of Rinne and Mikkonen'741 disclose means for generating an agent solicitation message (see FIG. 6, step 605-606; R_FLOW_Activate message); see col. 11, lines 15-41.

Neither Rinne nor Mikkonen'741 explicitly discloses a vendor-specific extension. However, having a vendor extension field with a request in the mobile communication is well known in the art. In particular, Mustajarvi discloses a vendor extension field (see FIG. 4, Extension field EF1 and EF2) comprises transmission information (see col. 7, lines 1-20; note that utilizing EF1 field is optional, however,

the usage of optional field is suggested by the a specific vendor/manufacture, thus, it is vendor suggested extension field which contains transmission information (i.e. requests/responses/ACK/NACK)). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a vendor/manufacture suggested extension field, as taught by Mustajarvi, in the combined system of Rinne and Mikkonen'741, so that it would avoid additional load which reduces the capacity available to payload traffic by providing a mechanism of utilizing extension field in order to avoid collision in the transmissions; see Mustajarvi col. 5, line 15 to col. 6, lines 3.

Regarding Claim 18, the claim, which has substantially disclosed all the limitations of the respective claim 8. Therefore, it is subjected to the same rejection.

Regarding Claim 28, the claim, which has substantially disclosed all the limitations of the respective claim 8. Therefore, it is subjected to the same rejection.

Regarding Claim 38, the claim, which has substantially disclosed all the limitations of the respective claim 8. Therefore, it is subjected to the same rejection.

Regarding claim 9, the combined system of Rinne and Mikkonen'741 disclose means for receiving an agent advertisement message as described above in claims 6, 16, 26 above.

Neither Rinne nor Mikkonen'741 explicitly a vendor-specific extension, the vendor-specific extension. However, having a vendor extension field with a response in the mobile communication is well known in the art. In particular, Mustajarvi discloses a vendor extension field (see FIG. 4, Extension field EF1 and EF2)

comprises transmission information (see col. 7, lines 1-20; note that utilizing EF1 field is optional, however, the usage of optional field is suggested by the a specific vendor/manufacture, thus, it is vendor suggested extension field which contains transmission information (i.e. requests/responses/ACK/NACK)). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a vendor/manufacture suggested extension field, as taught by Mustajarvi, in the combined system of Rinne and Mikkonen'741, so that it would avoid additional load which reduces the capacity available to payload traffic by providing a mechanism of utilizing extension field in order to avoid collision in the transmissions; see Mustajarvi col. 5, line 15 to col. 6, lines 3.

Regarding Claim 19, the claim, which has substantially disclosed all the limitations of the respective claim 9. Therefore, it is subjected to the same rejection.

Regarding Claim 29, the claim, which has substantially disclosed all the limitations of the respective claim 9. Therefore, it is subjected to the same rejection.

8. Claims 10, 20,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinne and Mikkonen'741, as applied to claim 6, 16, 26, 39 and above, and further in view of Chauh (U.S. 6,408,001).

Regarding claim 10, the combined system of Rinne and Mikkonen'741 disclose the mobile unit supports label switching; and the serving node supports label switching as described above in 6, 16, and 26. Neither Rinne nor Mikkonen'741 explicitly discloses determining/ensuring whether each system supports label

switching. It is well known that one skill in ordinary art that one must determine whether the mobile unit supports label switching and the serving node supports label switching before performing a label switching in order to avoid incompatibilities between two systems. In particular, Chauh discloses determining whether a node/router supports label switching (see col. 2, lines 50-60; col. 6, lines 6 to col. 7, lines 5; see col. 15, lines 64-67; see col. 17, lines 15-21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a mechanism to determine whether a node supports a label switching in mobile networks, as taught by Chauh, in the combined system of Rinne, and Mikkonen'741, so that it can avoid any potential failure due to incompatibilities between two systems; and by utilizing label switching it can increase the efficiency and switching cost is reduced; see col. 1, lines 4-10; 45-67; see col. 2, lines 15-25.

Regarding Claim 20, the claim, which has substantially disclosed all the limitations of the respective claim 10. Therefore, it is subjected to the same rejection.

Regarding Claim 30, the claim, which has substantially disclosed all the limitations of the respective claim 10. Therefore, it is subjected to the same rejection.

Response to Arguments

9. Applicant's arguments with respect to claim 1-55 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N Moore whose telephone number is 571-272-3085. The examiner can normally be reached on M-F: 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM
JNM
3/25/05


BOB PHUNKULH
PRIMARY EXAMINEE

4/25/05